THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO. 17267 OF 2005

Dated: 05.08.2005

Between:

Sonmepalli Rama Mohan Rao S/o. Subba Rayudu
R/o. Nagandla Village, Inkollu Mandal, Prakasam District,

..... PETITIONER

AND

Government of Andhra Pradesh, Rep. by its Principal Secretary,
Panchayat Raj & Rural Development, (PROGS.IA) Department,
Secretariat, Hyderabad and another.

….. **RESPONDENTS**

ORDER:

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This writ petition is filed seeking a declaration that the impugned tender notification T.No.2/DM/2005-06, dated 25.07.2005 issued by the second respondent-Deputy Executive Engineer (P.R.) R.Ws Sub-Division, Parchur, Prakasam District is illegal, arbitrary and contrary to G.O.Ms.No.37 dated 18.02.2005 issued by the first respondent.

The case of the petitioner is that he is a member of works committee/chairman of users committee of Nagandla Gram Panchayat. The villagers of Nagandla Gram Panchayat are facing lot of drinking water problem due to lack of pipeline. For extension of internal distribution system in S.C., S.T. localities and deepening of D.W. well at Nagandla village, the Sarpanch of that Gram Panchayat made a representation to the District Collector on 08.087.2003 and the District Collector has issued a sanction order to the said work on 24.01.2005. In pursuance of the said sanction order, the Nagandla Gram Panchayat has conducted a General body meeting on 28.01.2005 and passed a resolution to allot the work in question to the petitioner. Immediately on 18.02.2005 the petitioner made representations dated

18.02.2005, 02.06.2005 and 18.07.2005 along with a copy of the resolution dated 28.01.2005 to the respondents to issue work order. However, the second respondent issued a tender notification dated 04.07.2005 inviting tenders for the same work and the petitioner alone has submitted quotation. But, the second respondent has cancelled the said tender notification and issued the impugned tender notification dated 25.07.2005 afresh, which is contrary to G.O.M.S.No. 37 dated 18.02.2005 issued by the first respondent. Hence this writ petition.

It is contended by the learned counsel for the petitioner that as per caluse 6 of G.O.Ms.No. 37 dated 18.02.2005, the first respondent has decided to entrust the works with an upper limit of Rs.5.00 lakhs to the Works Committee and also to the nominee of the Committee and even though the petitioner is a member of the Works Committee, and though the General body of the Gram Panchayat has resolved to allot the work in question to the petitioner through its meeting on 28.01.2005, the second respondent issued the impugned tender notification dated 25.07.2005 contrary to G.O.Ms.No. 37 dated 18.02.2005.

As can be seen from the material on record, on 28.01.2005 the Gram panchayat has passed a resolution recommending to allot the work in question to the petitioner and in pursuance of the same the petitioner made representations to the respondents and the same are pending with them. But, in the meanwhile the second respondent has issued the impugned tender notification dated 25.07.2005.

Therefore, without going into the merits of the case, I deem it appropriate to dispose of the writ petition, directing the second respondent to consider the case of the petitioner as per clause 6 of G.O.Ms.No.37 dated 18.02.2005 along with other tenderers who have applied in pursuance of the impugned notification dated 25.07.2005.

With the above direction, the writ petition is disposed of at the stage of admission. No costs.

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05.08.2005

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